Applicants believe that the final rejection resulted from a fundamental misinterpretation of Applicants' claim language. When rejecting the claims, the Examiner ignored the claim limitation calling for "charged electrospun microfibers or droplets" based on the stated assumption that the microfibers or droplets are not charged in the claimed product (Office Action, p. 5). This assumption is legally impermissible. Independent Claims 1 and 33 explicitly state that, in the retractive composite being claimed, the coalesced elastomeric stripes comprise "charged electrospun microfibers or droplets."

The Examiner has no legal authority to ignore a claim limitation by making an unsupported assumption that the subject matter described by the claim limitation is not actually there. No part of Applicants' specification supports the Examiner's position. No case law cited by the Examiner supports this position. The claims state that the electrospun microfibers or droplets in the product are, in fact, charged. The claims must be examined as such.

a) Claim Rejection Based On Desai In View Of Bornslaege And Radwanski

The rejection of Claims 1-12, 14-35, 40, 43, 46, 54 and 57-59 under 35 U.S.C. §103(a) as obvious over U.S. Publication 2003/0088288 ("Desai") in view of BE 899030 ("Bornslaege") and U.S. Patent 4,939,016 ("Radwanski") is respectfully traversed. The Belgian Bornslaege reference has not been made of record, and no copy was attached to the Office Action or included on the PAIR database of the U.S. Patent and Trademark Office. A European database indicates that the Belgian Bornslaege reference corresponds to U.S. Patent 4,576,596 to Jackson, Matthews and Bornslaege. In the following comments, "Bornslaege" will be addressed with respect to the U.S. patent.

Desai discloses a film, fibrous web or laminate having elastomeric members joined to it. The elastomeric members may be applied in stripes, spirals, discrete dots or the like, and may be parallel or at an angle with respect to each other (¶ ¶ 0036 and 0037). Desai does not disclose coalesced elastomeric stripes comprising charged electrospun microfibers or droplets.

Bornslaege (U.S. Patent 4,576,596) is cited as disclosing an absorbent core including microfiber sheathing. It is unclear how this adds to the claim rejection. The

disclosed absorbent core is not a retractive composite web as required by Applicants' claims. The disclosed fibers do not constitute, or form part of, coalesced elastomeric stripes as required by Applicants' claims. The reference does not disclose coalesced elastomeric stripes comprising charged electrospun microfibers or droplets. Overall, this reference appears to be completely irrelevant to Applicants' claimed invention.

Radwanski is cited as disclosing nonwoven elastomeric webs used in personal care products. However, the elastomeric fibers are not present in the form of coalesced elastomeric stripes on a substrate, are not charged, and are not electrospun. It is unclear how Radwanski adds anything of relevance to the disclosure of Desai, insofar as Applicants' invention is concerned.

Again, Applicants invention uses electrospinning to provide charged electrospun fibers or droplets. The electrical charge helps the microfibers or droplets to coalesce together to form elastomeric stripes, and to remain coalesced together. The electrical charge also helps the microfibers or droplets (coalesced as stripes) to bond to the substrate and remain bound to the substrate.

None of the cited prior art discloses or suggests a retractive composite web including coalesced elastomeric stripes comprising charged electrospun microfibers or droplets. No claim is obvious. This claim rejection should be withdrawn.

b) Conclusion

Applicants believe that the claims are in condition for allowance. If the Examiner detects any unresolved issues, then Applicants' attorney maintains the earlier request for a telephone interview.

Respectfully submitted,

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